

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

J. K. MCNEAL

§

VS.

§ **CIVIL ACTION NO. 2:04cv432**

**COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION**

§

MEMORANDUM ORDER

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. Plaintiff filed objections to the Report and Recommendation. The Court conducted a *de novo* review of the Magistrate Judge's findings and conclusions.

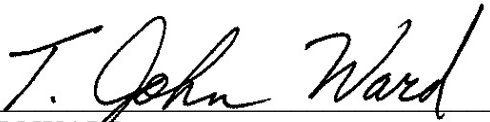
Plaintiff objects to the Magistrate Judge's recommendation that Plaintiff's above-entitled and numbered social security cause of action be affirmed. Specifically, Plaintiff asserts substantial evidence does not support the finding that appropriate weight was given to the opinions of Plaintiff's primary treating physician during the adjudicated period. Plaintiff further asserts substantial evidence does not support the finding that Plaintiff suffered no non-exertional limitations. Next, Plaintiff contends substantial evidence does not support the findings that Plaintiff's pain is not disabling. Finally, Plaintiff submits substantial evidence does not support the findings that a complete hypothetical was given to the vocational expert. Plaintiff requests the Court remand his case for further review.

After reviewing the transcript, the briefs of the parties, and the Report and Recommendation,

the Court finds Plaintiff's objections are without merit. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

ORDERED that the above-entitled Social Security action is **AFFIRMED**.

SIGNED this 28th day of February, 2006.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE